

COMMITTEE AMENDMENT FORM

Committee Finance/Executive Page Number(s) 1

Ordinance I.D.# _____ Section(s) 2

Resolution I.D.# 03-R-0779 Paragraph _____

Date May 14, 2003

Amendment: ① Amend Section 2 by adding to the end thereof, the following:

Further, the property is to be conveyed in its "As Is" condition and the City does not warrant its suitability for any particular purpose.

② Amend the Resolution by replacing the attached ~~Exhibit~~ Quitclaim Deed with the "Substituted Partition Deed".

**AN AMENDED RESOLUTION BY:
FINANCE/EXECUTIVE COMMITTEE**

03-R-0779

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY'S INTEREST IN THE PROPERTY LOCATED AT ATWOOD AND LUCILE STREETS TO THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY FOR THE PUBLIC PURPOSE OF RETURNING SAID LAND TO AN EFFECTIVE UTILIZATION STATUS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is the recorded owner of record of Tax Parcel 14 01400006063, a vacant Parcel located at the corner of Lucile and Atwood Streets, and known as Parcel 9, having obtained its interest from the Atlanta Housing Authority.

WHEREAS, said property is vacant and non-revenue generating in its current status; and

WHEREAS, the City of Atlanta desires to convey its interest in this property for consideration of one dollar (\$1.00) to the Fulton County/City of Atlanta Land Bank Authority for the purpose of returning said property to an effective utilization status; and

WHEREAS, pursuant to O.C.G.A. §36-37-6(e)(2)(D), such a property transfer is authorized.

NOW THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. That the Mayor is hereby authorized to execute a quitclaim deed conveying the City's interest in Tax Parcel 140140006063 located at the corner of Lucile and Atwood Streets for the consideration of One Dollar (\$1.00) to the Fulton County/City of Atlanta Land Bank Authority for the public purpose of returning said property to an effective utilization status on order to provide affordable housing to the citizens of the City and County.

Section 2. In transferring this property the City does not forego its right and ability to collect outstanding liens against the property without further approval by the City Council. Further, the property is to be conveyed in its "ASIS" condition and the city does not warrant the suitability for any particular purpose.

Section 3. The Deed shall also provide for a reversionary interest of the parcel to the City of Atlanta should this lot not be returned to an effective utilization status within two years of the date of the conveyance.

**SUBSTITUTED
QUITCLAIM DEED**

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this 24th day of April in the year of our Lord Two Thousand and Three.

THE CITY OF ATLANTA, a municipal corporation, of the County of Fulton, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY, INC., a Georgia non-profit corporation of the County of Fulton, and State of GEORGIA, as party or parties of the second part hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for an in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said grantee the following described property subject to a condition subsequent as more fully described below.

All that tract or parcel of land lying and being in Fulton County, Georgia, and being more particularly described in **EXHIBIT " A "** attached hereto and made a part hereof by reference.

Any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities' are abandoned, removed, or relocated, at which time said easements shall expire.

Title to the property to the property conveyed by this quitclaim deed has been acquired by grantor pursuant to a Limited Warranty Deed. Grantees will acquire only such interest and quality to title as grantor possesses and no warranties of title are given or expressed by grantor with regard to said property.

The property is to be conveyed in its "AS IS" condition and the City does not warrant the suitability for any particular purpose.

This "deed" was authorized by a resolution adopted and amended by the City Council on
by the Mayor on

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any rights or title to said premises or appurtenances, or any rights thereof. This is subject, however, to the condition that the property be developed for housing for persons with low or moderate incomes defined by the Land Bank Authority within five years of the date of the conveyance.

Grantor expressly reserves the right, upon failure of such condition, to re-enter the property and thereby shall revert to grantor.

IN WITNESS WHEREOF, GRANTOR has signed and sealed this deed, the day and year first above written.

Signed Sealed and delivered in the presence of:

CITY OF ATLANTA

BY _____ **(Seal)**
MAYOR

(Unofficial Witness)

(Affix Corporate Seal)

(Notary Public)

(Seal)



48	8
96	
175	

48	48
50	012
150	449
48.7	

47	072	138	1289	47
281.85	063	140	281.91	140

ST

AV

48	48	48	48	95
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148	48	48
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53

MEMORANDUM OF UNDERSTANDING

WHEREAS: West End Neighborhood Development, Inc. (WEND) is the community-based organization, a 501C3 corporation, for the West End Historic District and,

WHEREAS: University Community Development Corporation (UCDC) is the non-profit community development corporation in closest proximity to the West End Historic District and,

WHEREAS: UCDC's mission is to assist community-based organizations with the revitalization of their communities and,

WHEREAS: WEND and UCDC desire to develop the property located at 1261 Lucille Avenue in a manner that is consistent with the historic district and architectural guidelines of the West End Historic District as outlined in the City of Atlanta Zoning Ordinance and the National Register of Historic Places and,

WHEREAS: The property at 1261 Lucille Avenue is owned by the City of Atlanta, and UCDC is requesting that said property be transferred to UCDC by way of the Atlanta/Fulton Land Bank Authority and now,

THEREFORE both WEND and UCDC herein set out the terms of this understanding as follows:

UCDC will consult directly with WEND during all stages of project development, to include: Schematic Design, Design Development and Contract Documents preparation. WEND shall have at least one(1) review session for each of the first two aforementioned stages of project development and at least two(2) review sessions for the Contract Documents stage, the first of which, must be completed before the hearing of the case by the Atlanta Urban Design Commission.

WEND will provide support (written and verbal) to encourage transfer, by the City of Atlanta, of the aforementioned property to the Atlanta/Fulton Land Bank Authority for transfer to UCDC for development.

UCDC and WEND will move to expedite the transfer process of the aforementioned property and the design phase of the project, which shall include the participation of a WEND representative in the architect selection process. UCDC and WEND shall jointly encourage and work toward a mutually agreed upon schedule for the development of the property

This Memorandum of Understanding sets out the terms by which UCDC and WEND will work together. This Agreement may be amended only by written instrument signed by both parties.

UNIVERSITY COMMUNITY DEVELOPMENT CORPORATION

BY: Pete / [Signature]

DATE: 4/23/03

WEND.

BY: [Signature]
President

DATE: 4.23.03

[Signature]
Zoning Committee Chair

DATE: 4-23-03

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 140 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the northwest corner of Atwood Street and Lucile Avenue; and running thence N '31 'W, along the west side of Atwood Street, 140 feet to an "X" marked in driveway and a 10 foot alley; running thence S86'58'W, along the south side of said alley, 281.84 feet to a point; running thence S01'29'20'E 140 feet to a point located on the north side of Lucile Avenue; running thence N86'58'E, along the north side of Lucile Avenue, 281.91 feet to the point of beginning; being known as Parcel 9, West End Urban Redevelopment Area, according to plat of survey by Charles C. Jones, Surveyor, dated January 15, 1981.